

September 11, 2019
Tracy, CA 95304

Pursuant to adjournment, August 14, 2019 the Board of Directors of the Banta-Carbona Irrigation District met at 9:00 a.m. at 3514 W. Lehman Road, Tracy California on the above named date.

PRESENT: Directors: James M. McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe, District Intern Kent Norman and District Counsel Jeanne Zolezzi

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Annette Elissagaray made a motion to approve the minutes of the regular Board meeting held on of the August 14, 2019 and the Special Board meeting held on August 30, 2019 as presented. Director James Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

Secretary Howe presented the Treasurer's Report and after review by the Board it was filed.

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported there was no correspondence

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT September 11, 2019

Vernalis flow +/- 2,800 cfs. Wheeling 0 cfs

Maintenance - Currently on-going emphasis is on weed control, terrestrial and aquatic and also putting squirrel and rodent bait out. Also have been doing disking to knock down weeds.

At PP #5 unit 1 pump (low-head), one of the used pumps from old PP #7 has a bad bearing and Delta Pump has been pulled that pump and it is in their shop for repairs.

The Peterman Lateral pump was pulled by Delta Pump and is in the shop getting repaired.

Currently we have not identified any other pumps in need of repair in any of the pump-houses.

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled zero water for USBR/Friant in May through August 2019. Do not plan to wheel water for them the rest of the water year ending on February 29, 2020.

Reclamation CVP 9(e) contract to a 9(d) contract. We received our construction repayment estimate from Reclamation. The current estimate owed as discounted for today on Unpaid Construction Cost is \$2,083,844 and for Unpaid Intertie Construction Cost, \$136,960, for a total owed of \$2,220,804 dollars. Esq. Jeanne Zolezzi has been attending the negotiation session on the District's behalf. There are not any scheduled negotiation sessions. It is anticipated that district level negotiations in the Delta Division may be the next step.

Sustainable Groundwater Management Act (SGMA) –The next major milestone due is a Groundwater Sustainability Plan (GSP) for our GSA as well as for the Tracy Sub-basin which is due by January 31, 2022. The Tracy Sub-basin GSA's did not meet in July. There is a regularly scheduled meeting on the third Thursday of the month

at the Banta-Carbona Irrigation District office at 1 pm. The next meeting is September 19, 2019. The topics to be discussed or considered for recommended action tomorrow are: consider Outreach Facilitation Services proposals to meet the public communications requirements of SGMA; review the public releases of neighboring GSP's (is., the DMC GSP); get update on Technical Support Services from DWR in regards to new monitoring wells in our sub-basin; Review current status of GSP Grant; and review current and future Inter-basin coordination activities.

Replacement Pumping Plant 5 Low Head Lift – The low head station is running in auto mode maintaining the sump 5 pool on the mark. The high head side of PP #5 is also in “auto” and is maintaining the 6 Sump pool on the mark. Programming of the Programmable Logic Controllers (PLC's) at PP #5 is complete. There are some SCADA controls and SCADA screens to be finished in regards to PP #5 on the base station in the office. That work is scheduled to be complete by the end of September and will close the SCADA work for PP #5.

Pumping Plant #4 Replacement Project – Dahl Consultants and WAVE Engineering have finished sending out requests for proposals (RFP's) for various equipment. Purchase orders have been issued for the pumps and motors, switchboard, transformers, voltage regulators, motor control centers (MCC's), pipeline penstocks, flap gates, and the control console totaling just over two million dollars. The longest lead item remains to be the pumps and motors with a delivery date of January 1, 2020. The specs and drawings have been issued for construction to Arnaudo Construction for the construction of the replacement pumping plant #4. The contract for construction is being reviewed by legal counsel. BCID is responsible for supplying the Remote Terminal Unit (RTU) that houses the Supervisory Control and Data Acquisition (SCADA) equipment. The equipment has been ordered and Michael McDonald of our staff is currently building the RTU. The RTU should be complete by the end of September 2019.

San Joaquin County Community Development Application # PA 160049 (AP) – The County sent a notice of public hearing for the project in December. I replied to the notice to county staff by re-iterating our concerns with groundwater contamination with the use of un-lined ponds for storm water runoff. The public hearing was removed from the calendar in December. There has been no news on this application since.

Website – New legislation passed last year, SB 929, requiring special districts to have a website that provides district contact information by January 1, 2020. This is simple enough except that there has been legislation on the books for several years that requires other information be posted **IF** you have a website. We have been exempt from those other postings because we never have had a website. We will now be required to make those postings. Kent Norman, a summer college intern, is looking into potential website development.

New Pumping Plant #5 Noise – The sound blankets arrived and we installed them on Unit 6 at PP #5. They do make a noticeable difference but do not completely kill all of the noise. We have ordered custom made blankets for all of the units at PP #5. Cost for this latest order is \$4317.03. We did order blankets for the two low head pumps too.

Traveling Trash Screen – The foundation for the traveling trash screen at the tail end of 3 West canal at Banta Road has been constructed. We have received the PG&E. drawings for a 100 amp, 120/240 volt single phase service. Bockmon and Woody have installed the meter cabinet and it is ready for our engineer's inspection.

PROP 1 Grant Application – The Delta Conservancy Board is met on Wednesday, May 22, 2019, from 9 am to 1 pm to select applications for grant funding. I attended as well as Andrea Fuller of FISHBIO and a representative of CBEC. The meeting went well even though BCID wasn't recommended for funding on that day. The Board left it open for BCID to work with Conservancy staff to clear up any questions they have that prevented them from recommending funding in May. FISHBIO is currently responsible for putting together a memo that will provide additional information to the conservancy that they requested, in regards to the environmental value of the project. We did ask the conservancy if any other grant applicants were asked to be making presentations to IAMIT and they said no. Hence BCID is the only applicant that has been asked to make a presentation. The next Delta Conservancy meeting is in November.

Patterson Irrigation District (PID) Tour – Margaret Howe, Kent Norman, Jorge Flores, Jim Thoming, and I visited PID to view their water software program called STORM. As our water software program, Aquadata, has lived its useful life to near its end, we are researching for a successor program and one that will integrate well with accounting software. PID has been very happy with the software and endorsed its functionality enthusiastically. In addition to the viewing of the software we were given a tour of their new pumping plant and also their fish screen facility.

Respectfully submitted by:
David Weisenberger
General Manager

ITEM 4 - REPORT FROM KENT NORMAN, CAL POLY COLLEGE SUMMER INTERN, ON VARIOUS PROJECTS.

Kent Norman reported he has completed several of his project. The mapping is completed and he presented a new District map prepared by Quartaroli & Associates. He has completed the specs for new gate installation. He has also prepared a binder of the projects he has worked on for the District's future reference. He will be returning to school in about two weeks.

ITEM 5 - DIRECTOR AND STAFF ITEMS

General Manager Weisenberger reported Myron Yamasaki of Yamasaki Farms was in and inquired about providing service to the ground annexed to the District in 1999. The Board requested the request be put on the agenda for October.

The District Warren Act Contract with the US Bureau of Reclamation for Pre-1914 surface water will expire December 31, 2019.

Secretary Howe reported sexual harassment training will be available on October 22, 2019 for those Directors who need it.

ITEM 6 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, CONSIDER TRANSFERS, AND REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

US Bureau of Reclamation announced an increase in the 2019/2020 CVP allocation for South of Delta Users to 75%. This will provide the District with 15,000 acre feet of CVP Water available for the 2019/2020 water year.

General Manager Weisenberger reported he was able to transfer 1,300 AF of CVP water to Westlands Water District. He also has interest in an additional 1,000 AF and possibly an additional 3,500 AF.

ITEM 7 - REVIEW AGREEMENT WITH MEYERS FAMILY FARMS. ACTION AS NECESSARY

Marvin Meyers and Lydia Sosa of Meyers Family Farms were present to review the District's current "Water Transfer Agreement" with them. The current agreement expires on February 28, 2025, but price can be re-negotiated every five years. Mr. Meyers requested the District consider a reduction in price. The Board discussed the various costs, but took no action.

ITEM 8 - CONSIDER RESOLUTION FOR APPROVAL OF LETTER OF AGREEMENTS CONTRACT NO'S 17-WC-20-5109 AND 17-WD-20-5110 WITH THE BUREAU OF RECLAMATION FOR THE REPLACEMENT OF PROJECT USE POWER AND FEES INCURRED FOR PUMPING NON-PROJECT WATER UNDER WARREN ACT CONTRACT NO'S 15-WC-20-4659 AND 13-WC-20-4380. ACTION AS NECESSARY.

The Board reviewed the "Letter of Agreements" with the Bureau of Reclamation for the replacement of Project Use Power and fees incurred for pumping non-project water under Warren Act Contract. Director Glenn Robertson made a motion to approve the following resolutions and authorize staff to pay the fees. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James

McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

RESOLUTION NO. 2019 – 05
Resolution of September 11, 2019

THE BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION APPROVING THE
LETTER OF AGREEMENT FOR REPLACEMENT OF PROJECT USE POWER AND
FEES INCURRED FOR THE CONVEYANCE OF PRE-1914 WATER IN FEDERAL
FACILITIES

WHEREAS, the District and the United States Department of the Interior, Bureau of Reclamation (the “**Reclamation**”) executed Contract no. 15-WC-20-4659, and Contract no 10-WC-20-4019 entitled, “*Temporary Contract Between the United States and Banta-Carbona Irrigation District (District) Providing for Storage and/or Conveyance of Non-Project Water,*” (“**Contract**”) and

WHEREAS, subdivision (g) of Article 3 of the Contract states that if electrical power is required to convey or pump the Non-Project Water into, through, or from the CVP facilities, the District will, prior to the introduction, conveyance, storage, and delivery of any Non-Project water, enter into a letter of agreement with the United States that provides for the payment of all actual energy costs and fees incurred in the introduction, conveyance, storage, and delivery of Non-Project water, and

WHEREAS, the Contract provides for the conveyance of up to 10,000 acre-feet (AF) of Non-Project Pre-1914 San Joaquin River water rights water, and further provides that the Non-Project water will be delivered to the District through conveyance facilities of the Delta-Mendota Canal or other location(s) mutually agreed to in writing by the contracting officer and the contractor, and

WHEREAS, upon execution of the Letter of Agreement (“LOA”), the District will submit an initial deposit to the Bureau using the Forecast Calculation Methodology described in the LOA, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Banta-Carbona Irrigation District:

1. The Board of Directors hereby agrees to the terms of the “Letter of Agreement for the Replacement of Project Use Power and fees Incurred for the Conveyance of Pre-1914 Water in Federal Facilities (Non-Project Water) –2015-2020 – Delta Division and San Luis Unit – Central Valley Project (CVP)” (“**Letter of Agreement**”).

2. The Board President or the General Manager are authorized to execute the Letter of Agreement.

PASSED AND ADOPTED, this 11th day of September 2019 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District:

BANTA-CARBONA IRRIGATION DISTRICT

By: _____
James M. McLeod, President

Attest: _____
Margaret G. Howe, Secretary

RESOLUTION NO. 2019 – 06
Resolution of September 11, 2019

THE BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION APPROVING THE
 LETTER OF AGREEMENT FOR REPLACEMENT OF PROJECT USE POWER AND
 FEES INCURRED FOR THE CONVEYANCE OF GROUNDWATER WATER IN
 FEDERAL FACILITIES

WHEREAS, the District and the United States Department of the Interior, Bureau of Reclamation (“**Reclamation**”) executed Contract No. 17-WC-20-4380, entitled, “*Temporary Contract Between the United States and Banta-Carbona Irrigation District (District) Providing for Multi-Year Storage and Conveyance of Non-Project Water,*” (“**Contract**”) and

WHEREAS, subdivision (g) of Article 3 of the Contract states that if electrical power is required to convey or pump the Non-Project Water into, through, or from the CVP facilities, the District will, prior to the introduction, conveyance, storage, and delivery of any Non-Project water, enter into a letter of agreement with the United States that provides for the payment of all actual energy costs and fees incurred in the introduction, conveyance, storage, and delivery of Non-Project water, and

WHEREAS, the Contract provides for the conveyance of up to 2,000 acre-feet (AF) of Non-Project Groundwater from wells located on the Delta-Mendota Canal, and further provides that the Non-Project water will be delivered to the District through conveyance facilities of the Delta-Mendota Canal or other location(s) mutually agreed to in writing by the contracting officer and the contractor, and

WHEREAS, upon execution of the Letter of Agreement (“LOA”), the District will submit an initial deposit to Reclamation using the Forecast Calculation Methodology described in the LOA, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Banta-Carbona Irrigation District:

1. The Board of Directors hereby agrees to the terms of the “Letter of Agreement for the Replacement of Project Use Power and Fees Incurred for the Conveyance of Groundwater in Federal Facilities (Non-Project Water) –2013-2018 – Delta Division and San Luis Unit – Central Valley Project (CVP)” (“**Letter of Agreement**”).

2. The Board President or the General Manager are authorized to execute the Letter of Agreement.

PASSED AND ADOPTED, this 11th day of September 2019 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District.

BANTA-CARBONA IRRIGATION DISTRICT

By: _____
 James M. McLeod, President

Attest: _____
 Margaret G. Howe, Secretary

RESOLUTION NO. 2019 – 07
Resolution of September 11, 2019

THE BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION APPROVING THE
 LETTER OF AGREEMENT FOR REPLACEMENT OF PROJECT USE POWER AND
 FEES INCURRED FOR THE CONVEYANCE OF PRE-1914 WATER IN FEDERAL
 FACILITIES

WHEREAS, the District and the United States Department of the Interior, Bureau of Reclamation (the “**Reclamation**”) executed Contract no. 10-WC-20-4019, and Contract no 10-WC-20-4019 entitled, “*Temporary Contract Between the United States and Banta-Carbona Irrigation District (District) Providing for Storage and/or Conveyance of Non-Project Water,*” (“**Contract**”) and

WHEREAS, subdivision (g) of Article 3 of the Contract states that if electrical power is required to convey or pump the Non-Project Water into, through, or from the CVP facilities, the District will, prior to the introduction, conveyance, storage, and delivery of any Non-Project water, enter into a letter of agreement with the United States that provides for the payment of all actual energy costs and fees incurred in the introduction, conveyance, storage, and delivery of Non-Project water, and

WHEREAS, the Contract provides for the conveyance of up to 10,000 acre-feet (AF) of Non-Project Pre-1914 San Joaquin River water rights water, and further provides that the Non-Project water will be delivered to the District through conveyance facilities of the Delta-Mendota Canal or other location(s) mutually agreed to in writing by the contracting officer and the contractor, and

WHEREAS, upon execution of the Letter of Agreement (“LOA”), the District will submit an initial deposit to the Bureau using the Forecast Calculation Methodology described in the LOA, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Banta-Carbona Irrigation District:

1. The Board of Directors hereby agrees to the terms of the “Letter of Agreement for the Replacement of Project Use Power and fees Incurred for the Conveyance of Pre-1914 Water in Federal Facilities (Non-Project Water) –2015-2020 – Delta Division and San Luis Unit – Central Valley Project (CVP)” (“**Letter of Agreement**”).

2. The Board President or the General Manager are authorized to execute the Letter of Agreement.

PASSED AND ADOPTED, this 11th day of September 2019 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District:

BANTA-CARBONA IRRIGATION DISTRICT

By: _____
 James M. McLeod, President

Attest: _____
 Margaret G. Howe, Secretary

**ITEM 9 - UPDATE ON THE PREPARATION OF THE TRACY SUB-BASIN
 GROUNDWATER SUSTAINABILITY PLAN (GSP). ACTION AS
 NECESSARY.**

Tracy Sub-basin GSA's did not meet in July. There is a regularly scheduled meeting on the third Thursday of the month at the Banta-Carbona Irrigation District office at 1 pm. The next meeting is September 19, 2019. The topics to be discussed or considered for recommended action tomorrow are: consider Outreach Facilitation Services proposals to meet the public communications requirements of SGMA; review the public releases of neighboring GSP's (is., the DMC GSP); get update on Technical Support Services from DWR in regards to new monitoring wells in our sub-basin; Review current status of GSP Grant; and review current and future Inter-basin coordination activities.

ITEM 10 - REPORT ON PROGRESS OF PROP 1 GRANT APPLICATION TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE BIOTECHNICAL BANK STABILIZATION FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION AND PROTECTION OF DISTRICT'S DIVERSION POINT. ACTION AS NECESSARY.

FISHBIO is continuing to work on the memo requested by the Delta Conservancy staff at the meeting in May.

ITEM 11- REVIEW PARADISE CUT BYPASS PROJECT. ACTION AS NECESSARY.

Staff reported they had no new information on the Paradise Cut Bypass project, but hoped to be able to contact South Delta Water Agency, one of the partner organizations, to find out more information about the project.

ITEM 12 - UPDATE CVP CONTRACT CONVERSION 9(E) TO 9(D) NEGOTIATIONS WITH THE U.S. BUREAU OF RECLAMATION. ACTION AS NECESSARY.

District Counsel Jeanne Zolezzi is attending the CVP Contract conversion negotiations on behalf of the District. She expects district level negotiations to start soon.

ITEM 13 - UPDATE ON SAN JOAQUIN RIVER NON-NATIVE FISH POPULATION STUDY. ACTION AS NECESSARY

Staff presented the August monthly update report received from FISHBIO on the San Joaquin River Predator Study. A managers meeting is scheduled for September 27, 2019 to review accomplishments in 2019 and to discuss any changes that might be necessary.

ITEM 14 - UPDATE ON THE CONSTRUCTION OF THE PUMPING PLANT 4 REPLACEMENT PROJECT. ACTION AS NECESSARY.

District Counsel Jeanne Zolezzi is reviewing the construction agreement received from Arnaudo Construction. Once she has approved the agreement it can be executed. Garrett Arnaudo is working on a list of sub-contractors for the project.

ITEM 15 - CONSIDER PARTICIPATION IN A SPECIAL PROJECT WITH THE POWER AND WATER RESOURCES POOLING AUTHORITY (PWRPA) TO OBTAIN RESOURCE ADEQUACY PRODUCTS AS REQUIRED LAW. ACTION AS NECESSARY.

General Manager Weisenberger explained to the Board the reasons for participation in special projects with PWRPA. The Board discussed the participation in special project, but took no action.

ITEM 16 - CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code
 - A. Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County Superior Court, Dept 1. This case originated in San Joaquin County as Case No. 39-2015-00326421-CU-WM-STK
 - B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the Interior Case No. 1:05-cv-01207 LJO-GSA

The Board returned to open session with no announcement.

ITEM 17 - REVIEW FOR APPROVAL "PROPOSALS FOR AUDITING SERVICES" FOR THE 2019 ANNUAL AUDIT. ACTION AS NECESSARY.

Secretary Howe reported that after the Board approved the proposal from Hudson Henderson & Company, Inc. at the August Board meeting she called them to confirm the proposal included the preparation and filing of the "Special Districts Financial Transactions Report". It did not and would cost an additional \$950 to include the report. She also contacted the District prior auditor, Fechter & Co, to see if their proposal of \$8,800 plus \$500 for expense was still good, and it is. Director James M Thoming made a motion to not sign an engagement letter with Hudson Henderson & Company and to sign one with Fechter & Co. Director Keith Robertson seconded the motion it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 18 - Approval of Warrants

Director James M Thoming moved that the September 2019 Warrants in the amount of \$674,401.94 be approved for payment. Director Keith Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, October 16, 2019 at 9:00 a.m.

Respectfully,

Margaret G. Howe